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SENT VIA EMAIL (deltaplanscoping@deltacouncil.ca.gov)

Ms. Terry Macaulay
Deputy Executive Officer, Strategic Planning
Delta Stewardship Council
650 Capitol Mall
Sacramento, CA 95814

Re: Comments on Notice of Preparation for Delta Stewardship Plan EIR

Dear Ms. Macaulay:

This firm represents Reclamation District 999 ("District"), which includes the Clarksburg Agricultural District of the Delta. The District includes a complex network of channels that provide drainage in the winter and water for agriculture in the dry months, as well as a perimeter of levees to prevent flooding from the Sacramento River, the Deep Water Ship channel, and the Delta. Communities within the District include the town of Clarksburg, and the south-eastern Yolo County and a portion of Solano County, as well as residents of marinas and moorings on the Sacramento River. Our District has been an active steward of the Delta's biological resources for almost 100 years, and depends on adequate flows of good quality water to serve farmland in the Clarksburg area.

As a responsible agency with respect to any actions that may occur pursuant to the Delta Stewardship Plan ("DSP") within the District, and as a stakeholder in the various proceedings that will affect land and water management within the Delta, the District offers the following comments on the Notice of Preparation ("NOP") for the DSP Environmental Impact Report ("EIR"):

General Concerns Regarding Project Description

Preliminarily, we note that it is difficult to comment on the proper scope of the EIR given the vague and yet far-reaching project description provided in the NOP. Rather than describe an actual project, the NOP "describes examples of broad concepts for implementation strategies that could be considered in the development of alternatives." (NOP, p.14.) Implementation of many of these "examples" has the

potential to dramatically change with the landscapes and waters of the Delta. In addition to providing only “examples” of what the project may be, the planning area for the DSP includes almost the entire state. This level of project information is inadequate for purposes of providing specific comment.

Another problem with the project description is the ongoing uncertainty about whether the DSP will ultimately incorporate the Bay Delta Conservation Plan (“BDCP”). To what extent does the DSC assume that the BDCP will be implemented and provide for mitigation for the effects of the BDCP? Moreover, to the extent the DSP includes some or all of the BDCP components (such as conveyance changes and habitat creation for instance), it appears that the EIR for the DSP would be highly duplicative of the EIR being concurrently prepared for the BDCP. Both for purposes of project description clarity, as well as avoiding waste of limited public and private resources to address Delta water issues, duplication between the DSP and BDCP EIRs should be avoided.

As a local agency within the primary planning area for the DSP, we have grave concerns about the vagueness of the NOP, and whether it is possible to analyze and mitigate the environmental impacts associated with a project that has not been properly defined.

Agricultural Resources

The District includes highly productive farmland dedicated to a variety of row and permanent crops. The EIR must analyze all potential impacts on existing agriculture in the Delta. In addition to analyzing impacts from conversion of agricultural land to nonagricultural uses, the EIR must also analyze indirect impacts associated with such conversion. For instance, the restoration or creation of habitat adjacent to agricultural uses has the potential to interfere with ongoing agricultural uses.

The full range of mitigation for conversion of agricultural lands and interference with agricultural practices should be included in the EIR. Such mitigation includes securing replacement acreages through the use of conservation easements (ideally in close vicinity to the converted lands) and provision of adequate buffers between different land uses. The DSC should be aware that several of the counties and cities within the Delta have specific ordinances pertaining to mitigation for conversion of agricultural land. Each county’s General Plan also includes policies applicable to conversion of agricultural land and interference with ongoing agricultural uses.

Land Use

The EIR should carefully examine land use impacts from implementation of the DSP. The DSP will cover areas already subject to local land use authority. A core objective of the DSP is to meet statewide interests in “providing a more reliable water supply for California and protecting, restoring and enhancing the Delta ecosystem.” (Wat. Code, § 85054.) Local land use planning efforts, however, must also be respected. In addition to the exercise of existing local agency land use jurisdiction, several habitat planning efforts are underway within the Delta. Though the NOP mentions several habitat conservation plans (“HCPs”), it does not mention the HCP being developed in Yolo County. We urge the DSC to avoid interference with local planning efforts. Additionally, to the extent there will be any inconsistencies between the DSP and the exercise of local land use authority, those conflicts must be identified in the EIR and mitigated to the extent feasible.

As an additional note, the NOP refers to land use pattern changes as compared to the Delta of 150 years ago. (NOP, p. 4.) It should be noted, however, that the current challenges for the Delta ecosystem and species have largely occurred in the last two decades. Thus, it is not appropriate to imply that land use changes in the Delta that occurred in the last two centuries are a primary stressor on the ecosystem.

Public Services

The District provides both water delivery and drainage services. The District also assists in the maintenance of the levees that provide flood protection to homes and farms in the area. To the extent the DSP includes activities that would interfere with the provision of these services, those impacts must be analyzed in the EIR.

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Thank you for the opportunity to comment on the NOP for the DSP EIR. The District will provide additional comments as the plan progresses.

Very truly yours,

SOLURI MESERVE
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By:

A handwritten signature in black ink, appearing to read 'Osha R. Meserve', written over a horizontal line.

Osha R. Meserve

ORM/mre

cc: Reclamation District Board of Trustees